

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6838

BILL NUMBER: SB 398

NOTE PREPARED: Dec 23, 2004

BILL AMENDED:

SUBJECT: Assault Weapons.

FIRST AUTHOR: Sen. Howard

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes the sale, transfer, or possession of an assault weapon by an unauthorized person a Class C felony. It makes the operation of a loaded assault weapon a Class B felony.

Effective Date: July 1, 2005.

Explanation of State Expenditures: The bill would establish a Class C felony for knowingly or intentionally selling, offering for sale, giving, lending, transferring ownership, acquiring, or possessing an assault weapon. However, the bill would provide certain exceptions for actions taken prior to October 1, 2005. Also, under the bill, operating an assault weapon would be a Class B felony.

Depending upon mitigating and aggravating circumstances, a Class C felony is punishable by a prison term ranging from 2 to 8 years and a Class B felony is punishable by a prison term ranging from 6 to 20 years. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately 2 years and for all Class B felony offenders is approximately 3.7 years.

Additionally, the bill adds possession of an assault weapon to conditions that may add a fixed term of imprisonment of not more than 20 years for certain controlled substance offenses. On average, between 2000 and 2004, there were 1,289 people committed to a DOC facility for violation of one of these controlled

substance offenses. However, there are no data available to indicate how many of those offenders would have possessed an assault weapon in committing an offense.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for both a Class C or Class B felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106.